



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/dplu

MITIGATED NEGATIVE DECLARATION

Project Name: Club Estates Major Subdivision (31 lots plus 1 open space lot)

Project Number(s): TM 5499; ER 06-03-003

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biology,
Archaeology, Noise, Fire Hazards, Agricultural, Traffic, Drainage,
Groundwater Evaluation & Data, Minerals, Stormwater, and Airport
Hazards
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. This project is required to pay the Transportation Impact Fee (TIF) in accordance with County Ordinance applicable at the time of building permits.
2. Participate in the cost of a traffic signal installation at the intersection of Cool Valley Road at Cole Grade Road. The amount of the developer's portion of the entire cost of the signal shall be \$1300. The Planning and Planning Commission/Board of Supervisors hereby determines that:
 - a. The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;
 - b. The fee will be used to contribute toward the installation of a traffic signal at the intersection of Cool Valley Road at Cole Grade Road;
 - c. The traffic signal will help mitigate the additional traffic impact on this these intersection caused by the residential subdivision;
 - d. This residential subdivision will contribute additional traffic to the intersection of Cool Valley Road at Cole Grade Road; and
 - e. The fee of \$1300 is based on an estimate of the percentage of traffic this project will contribute to this intersection.
3. Participate in the cost of a traffic signal installation at the intersection of Miller Road at Cole Grade Road. The amount of the developer's portion of the entire cost of the signal shall be \$1550. The Planning and Planning Commission/Board of Supervisors hereby determines that:
 - a. The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;
 - b. The fee will be used to contribute toward the installation of a traffic signal at the intersection of Miller Road at Cole Grade Road;

- c. The traffic signal will help mitigate the additional traffic impact on this intersection caused by the residential subdivision;
- d. This residential subdivision will contribute additional traffic to the intersection of Miller Road at Cole Grade Road; and
- e. The fee of \$1550 is based on an estimate of the percentage of traffic this project will contribute to this intersection.

Biological Resources

- A. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to issuance of grading or other permits as specified):

PLANS AND SPECIFICATIONS

(Drainage/Grading Plans)

- 1. Prior to the approval of any plans, issuance of any permits, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Items" have been indicated on the grading, and or improvement plans:
 - a. The grading, and or improvement plans, shall indicate permanent fences or walls along the open space boundary of lot 32 as shown on the Open Space Fencing and Signage Plan dated September 17, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-03-003.

The fence or wall shall be a minimum of three feet (3') high and consist of split rail or other suitable material. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation.
 - b. The grading, and or improvement plans shall indicate open space signs along the open space boundary of lot 32 as shown on the Open Space Fencing and Signage Plan dated **September 17, 2008** on file with the Department of Planning and Land Use as Environmental Review Number 06-03-003.

The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

“Sensitive Environmental Resources”
Disturbance Beyond this Point is Restricted
by Easement
Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 06-03-003”

- c. The grading, and or improvement plans, shall indicate Temporary Orange Construction fencing to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. The fencing shall be placed along the open space boundary of lot 32 as shown on the Open Space Fencing and Signage Plan dated September 17, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-03-003.
2. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following “Specific Environmental Notes” have been placed on the grading, and or improvement plans:
 - a. “Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity.”
 - b. “Restrict all brushing, clearing and/or grading such that none will be allowed onsite during the breeding season of the migratory birds and raptors. This is defined as occurring between February 1 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nesting migratory birds and raptors are present in the vicinity of the brushing, clearing or grading.”
[DPLU, FEE]

September 25, 2008

- c. "Prior to the conclusion of grading activities and Final Grading Release, provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences or walls, and open space signs have been placed along the biological open space boundary of lot 32 as shown on these plans and the Open Space Fencing and Signage Plan dated September 17, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-03-003. " **[DPLU, FEE]**
- i. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- ii. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources"
Disturbance Beyond this Point is Restricted
by Easement
Information:
Contact County of San Diego, Department of Planning and Land
Use
Ref: 06-03-003"

- 3. Prior to any grading, clearing, or construction activities and, prior to the preconstruction conference, provide evidence to the satisfaction of the Director of Planning and Land Use, that the following "Agency Permits" have been obtained, or evidence that such permits are not required:
 - a. "Provide the Director of Planning and Land Use with a copy of a Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands or provide evidence satisfactory to the Director of Planning and Land Use that such permit is not required." **[DPLU, FEE]**
 - b. "Provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required." **[DPLU, FEE]**

FINAL MAP RECORDATION

Final Map requirements shall be shown on the Final Map or otherwise accomplished to the satisfaction of the Director of Public Works prior to submittal for approval by the Board of Supervisors:

(Miscellaneous)

4. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, the applicant shall, grant to the County of San Diego and the California Department of Fish and Game by separate document, an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on Tentative Map TM5499RPL2 dated 01-08-08 on file with the Department of Planning and Land Use as Environmental Review Number 06-03-003. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.
[DPLU, FEE]

The sole exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.
- b. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
- c. Pedestrian and vehicular access within the easterly 20 feet of the open space easement, along the toe of the vertical bluff, to allow for the

construction and maintenance of drainage facilities and maintenance of the bluff.

5. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, Grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on Tentative Map TM5499RPL2 dated 01-08-08 on file with the Department of Planning and Land Use as Environmental Review Number 06-03-003. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **DPLU, FEE]**
 - a. Decking, fences, swimming pools, tennis courts and similar facilities.
 - b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
6. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, provide evidence to the satisfaction of the Director of Planning and Land Use that the following "Agency Permits" have been obtained:
 - a. Provide the Director of Planning and Land Use with a copy of a Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands or provide evidence satisfactory to the Director of Planning and Land Use that such permit is not required. **[DPLU, FEE]**
 - b. Provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required. **[DPLU, FEE]**
 - c. Provide to the satisfaction of the Director of Planning and Land Use, one of the following: **[DPLU, FEE X2]**

- i. Evidence that an Endangered Species Act Section 10a and or a Section 7 Permit has been obtained for the take of arroyo toad. This includes the following:
 - A copy of the Biological Opinion from the consultation with the United States Fish and Wildlife Service (USFWS).
 - A Letter from the Army Corps of Engineers (ACOE)
 - ii. Documentation from USFWS and ACOE that the permits are not required.
7. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, submit to and receive approval from the Director of the Department of Planning and Land Use a Revegetation Plan which mitigates impacts to non-native grassland. The Revegetation Plan shall conform to the County of San Diego Report Format Guidelines. The plan shall also include a success criteria of at least 80 percent by the end of the monitoring period. The revegetation shall occur in the non-native grassland on the lower terrace of the site. Habitat created pursuant to the Revegetation Plan must be placed within an open space easement dedicated to the County of San Diego prior to or immediately following the approval of the Revegetation Plan.
8. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, enter into a Secured Agreement with the County of San Diego Department of Planning and Land Use consisting of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and a 10 percent cash deposit not to exceed \$30,000. A cost estimate based on a 3% annual inflation rate shall be submitted and approved by the Director of Planning and Land Use which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required five year period, and report preparation and staff time to review. This agreement is intended to guarantee commitment to project completion and success. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty- percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan.

9. Prior to approval of grading or improvement plans, and prior to approval of the Final Map, the applicant shall submit to and receive approval from the Director of the Department of Planning and Land Use, a Resource Management Plan (RMP). The RMP shall be for the perpetual management of non-native grassland and southern riparian scrub. The RMP shall be consistent with the Conceptual RMP dated June 13, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-03-003. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines.

Cultural Resources

Prior to approval of grading and/or improvement plans, the applicant shall:

1. Implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources on the Club Estates, Pauma Valley Project, TM 5499/Log No. 06-03-003 to the satisfaction of the Director of Planning and Land Use. This program shall include, but shall not be limited to, the following actions:
 - a. Provide evidence to the satisfaction of the Director of Planning and Land Use (DPLU) that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program. A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: **[DPLU, FEE]**
 - i The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
 - ii The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
 - iii The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - iv An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities

are observed and shall be on-site during all grading activities for areas to be monitored.

- v During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the Project Archaeologist of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
- vi Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- vii In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.
- viii If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- ix Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator

shall determine the amount of material to be recovered for an adequate artifact sample for analysis.

- x In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
 - xi If the grading takes longer than one month in time, monthly status reports shall be submitted to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
 - xii In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any building permits. The report shall include Department of Parks and Recreation Primary and Archaeological Site forms.
 - xiii In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.
- b. Provide Evidence to the Director of Public Works (DPW) that the following notes have been placed on the Grading Plan:

- i The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- ii The project archaeologist shall monitor all areas identified for development including off-site improvements.
- iii During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the Project Archaeologist of the excavation. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
- iv In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.
- v The archaeological monitor(s) and Native American monitor shall monitor all areas identified for development.
- vi If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Principal Investigator in

order to determine proper treatment and disposition of the remains.

- vii If the project grading time exceeds one month, the Principal Investigator shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
- viii Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator.
[DPLU, FEE]
- ix Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:
 - Department of Parks and Recreation Primary and Archaeological Site forms.
 - Evidence that all cultural collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

or

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use

by the Principal Investigator that the grading monitoring activities have been completed.

Paleontological Resources

1. Prior to Approval of Grading or Improvement plans, the applicant shall:

Provide evidence that grading and/or other excavation will be monitored for fossils. The person responsible for fossil monitoring need not be a Qualified Paleontologist or a Qualified Paleontological Resources Monitor, and may be an employee(s) of the grading contractor, and in some cases, may be the equipment operator(s). Evidence shall be a letter from the Grading Contractor to the Director of Planning and Land Use stating the names of those individuals that will be responsible for monitoring for fossils.

2. Provide evidence to the Director of Public works (DPW) that the following notes have been placed on the Grading Plan:

- a. If a fossil or group of fossils (e.g. a shell bed) of greater than twelve inches in any dimension (including circumference) is encountered beneath the soil layers (meaning that it is not archaeological) during grading or other excavation:
 - i. All earthmoving operations in the area where the fossil was found shall be suspended immediately;
 - ii. The County's Permit Compliance Coordinator shall be notified;
 - iii. The applicant shall contract with a Qualified Paleontologist to evaluate the significance of the fossil. A Qualified Paleontologist is a person with a Ph.D. or Master's Degree in Paleontology or a related field, and who has knowledge of San Diego County paleontology and documented experience in professional paleontological procedures and techniques.
 - iv. Verification of the contract shall be presented in a letter from the Qualified Paleontologist to the Director of Planning and Land Use stating that he/she has been contracted to determine if the found fossil is significant or potentially significant, and if it is, to:
 - v. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;

- vi. In the field, record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting;
 - vii. Grading and excavation can resume either when the Qualified Paleontologist determines that the find is not significant or after the fossil has been removed and the associated data collected.
3. **Prior to Rough Grading Inspection Sign-off** provide evidence that monitoring for fossils has been completed. Evidence shall be in the form of a letter from the Grading Contractor to the Director of Planning and Land Use. **[DPLU, FEE]**
4. **Prior to Final Grading Release:**
- a. If **no** paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the director of Planning and Land Use stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources. **[DPLU FEE]**
 - b. If paleontological resources were discovered and salvaged, the following tasks shall be completed by or under the supervision of a Qualified Paleontologist:
 - i. Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
 - ii. Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;
 - iii. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, preferably:

- San Diego Natural History Museum, *Physical Address*: 1788 El Prado, San Diego, CA 92101; *Mailing Address*: P.O. Box 121390, San Diego, CA 92112-1390, (619) 232-3821
 - Natural History Museum of Los Angeles County, 900 Exposition Boulevard, Los Angeles, CA 90007, (213) 763-DINO
 - San Bernardino Museum of Natural History, 2024 Orange Tree Lane, Redlands, California 92374, (909) 307-2669
 - University of California Museum of Paleontology, Berkeley, 1101 Valley Life Sciences Building, Berkeley, CA 94720-4780, (510) 642-1821
 - Anza-Borrego Desert State Park, 200 Palm Canyon Drive, Borrego Springs, CA 92004, (760) 767-5311
- iv. Prepare a final Paleontological Resources Mitigation Program Report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.
- v. Submit a detailed report prepared by the Qualified Paleontologist in the format provided in Appendix * of the Guidelines for Determining Significance for Paleontological Resources and documenting curation of the collected fossils and identifying which accredited institution has agreed to accept the curated fossils;
- vi. Submitting TWO hard copies of the final Paleontological Resources Mitigation Report to the Director of DPLU for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. Submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils. **[DPLU FEE]**
- vii. Submit Proof of Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of DPLU verifying that the curated fossils from the project site have been received by the institution. **[DPLU FEE]**

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study.

While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

Airport Hazards

1. The project shall be required to record a standard aviation easement, to the satisfaction of the Director of Planning and Land Use, advising property owners of the potential adverse effects of the nearby Pauma Valley Airpark operations. Future installation of structures over 50' in height would require approval from the County of San Diego and the Federal Aviation Administration.
2. The project may not include any artificial bird attractor, including but not limited to reservoirs, golf courses with water hazards, large detention and retention basins, or landscaping with significant water features, without the approval of the Director of Development Services.

NOISE PROTECTION EASEMENT

1. On the Final Map, grant to the County of San Diego a perpetual Noise Protection Easement, as shown on Tentative Map 5499. The easement shall be placed over entire area of Lots 1 and 2. The easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected Parcel.
[DPLU, FEE X2]

"Said Noise Protection easement requires that before the issuance of any building or grading permit for any residential use within the noise protection easement located on Lots 1 and 2 ", the applicant shall:

- a. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for State Route (SR) 76 shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a Major road that is the designated General Plan Circulation Element buildout roadway classification.

September 25, 2008

- b. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

In addition to these items, the project will be subject to other standard conditions that are not CEQA Mitigation.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rich Grunow, Planning Manager
Regulatory Planning Division

: :